REMARKS

Claims 1-13 are all the claims pending in the application. By this Amendment, Applicant amends claim 1 to further clarify the invention and claims 5-13 for conformity therewith. In order to provide more varied protection, Applicant adds claim 14, which is patentable by virtue of its dependency and for additional features set forth therein. Claim 14 is clearly supported throughout the specification.

Claims 1-13 are rejected under 35 U.S.C. § 102(b) as being anticipated by WO200060842 to Adams et al. (hereinafter "Adams") (English equivalent U.S. Patent No. 6,803,854). Applicant respectfully traverses these grounds of rejection at least in view of the following exemplary comments.

A.   *Exemplary Features of Claim 1*

Independent claim 1 *inter alia* recites: "a user specifying type of at least one process element of the process system and start address of a memory module associated with the process element; and automatically creating the technology module by allocating at least one of a functional signaling element, an archive data functional element and a picture functional element to the process element based on the selected type of the at least one process element."

In conventional techniques, a user manually creates a technology module such as a user interface for controlling the technical process. In an exemplary, non-limiting embodiment, however, the technology module is created more efficiently and without human errors. That is, in an exemplary embodiment, a technology module for representing and controlling the technical process is automatically configured or created. The user simply selects a type of a process element (*e.g.*, a motor) and a start address of a memory module for this technology module, the

rest is automatically configured including selecting one of a signaling functional element, archive data functional element, and picture functional element that best fits the technical process. In other words, if the type of the technology module to create is 'motor,' then user interface for monitoring input and output signals may be automatically created.

It will be appreciated that the foregoing remarks relate to the invention in a general sense, the remarks are not necessarily limitative of any claims and are intended only to help the Examiner better understand the distinguishing aspects of the claims mentioned above.

B.   *Applicant's Position*

Applicant respectfully submits that Adams does not disclose or suggest automatically creating a technology module by having the user specify both the type of the process element and the address of the memory module and where various functional elements are allocated based on the selected type of the process element.

1.   *Adams fails to disclose or suggest a user specifying type of at least one process element*

In response to Applicant's arguments, the Examiner relies on col. 5, lines 66 to 67 of Adams and contends that information specific to the controller and a controller ID, as disclosed by Adams, somehow discloses the user specifying the type and start address (*see* page 6 of the Office Action). Applicant respectfully submits that the Examiner's position is technically inaccurate.

Adams simply discloses that information such as traffic radio, routing, date and/or order data can be transmitted on a vehicle-specific basis or fleet-specific basis from the control center (col. 5, lines 65 to 67). In other words, Adams simply discloses that certain information can be transmitted by the control center to the vehicle if its vehicle specific or to a number of vehicles if

its specific to these vehicles. For example, in Adams, traffic information about a particular

region may be submitted to a fleet of vehicles in motion in this region. Adams, however, does

not disclose or even remotely suggest that the user specifies the type of the controller. In other

words, even if the control center of Adams groups the vehicles into a fleet, this fails to disclose

or suggest the <u>user</u> specifying <u>type</u> of the controller.

    2.   *Adams fails to disclose or suggest a user also specifying start address of a memory module associated with this process element*

    The Examiner further alleges (relying on col. 3, lines 12 to 19 and col. 6, lines 65 to 66)

that since Adams discloses storing a controller identifier (alleged start address), Adams discloses

that the start address is of a memory module of the controller (*see* pages 6 to 7 of the Office

Action). Applicant respectfully disagrees.

    Col. 3, lines 12 to 19 and col. 6, lines 63 to 67 of Adams recites:

> The reliable, secure and unambiguous allocation of messages, even when there are a large number of signaling apparatuses in a large fleet, is ensured in that the mobile signaling apparatus has an <u>associated identifier for identification of the mobile apparatus</u>, in that the mobile signaling apparatus has a device to transmit the identifier to the control center together with a message, and in that the control center has a unit to store and visualize the identifier (emphasis added).

> The mobile apparatus MC is a mobile controller with a specific, unique identifier K, in the present case with the ID44 control. <u>This identifier is stored in the mobile controller MC</u>, and is transmitted via the radio interface 9 to the control center 15 (emphasis added).

As is visible from the above-quoted passages of Adams, Adams simply discloses having an

identifier associated with the mobile controller. Adams, however, does not disclose or suggest

that <u>the identifier is a start address</u>. In Adams, the identifier may be any form of a unique ID.

That is, since Adams simply discloses an identifier and fails to disclose the identifier being a

start address, the rejection is improper as it lacks "sufficient specificity" required under 102.

"[A]nticipation under § 102 can be found <u>only when the reference discloses exactly what is</u>

<u>claimed</u> and that where <u>there are differences</u> between the reference disclosure and the claim, the

rejection must be based on § 103 which takes differences into account." *Titanium Metals Corp.*

v. Banner, 778 F.2d 775, 227 USPQ 773 (Fed. Cir. 1985); MPEP § 2131.

      Furthermore, Adams does not disclose or even remotely suggest the controller having a

memory module such that the identifier is a start address of the memory module. In other words,

just because Adams discloses storing an identifier, Adams does not disclose or suggest that the

identifier is of a memory module. For example, in Adams, each controller may have several

memories, where the identifier is stored in one of these memories but identifies the controller and

not any one of these memories. Again, Applicant respectfully submits that the rejection is

improper as it lacks "sufficient specificity" required under 102.

      3.   ***Adams fails to disclose or suggest allocating at least one of a signaling***
      functional element, an archive data functional element, and a picture functional
      element based on the type of process element

      In response to Applicant's arguments, the Examiner alleges that transmitting information

on a specific basis as disclosed in col. 5, lines 65 to 67 of Adams, somehow anticipates selecting

various elements to be allocated to the process element (*see* page 7 of the Office Action).

      Applicant respectfully submits that col. 5, lines 65 to 67 of Adams simply discloses

"[f]urthermore, specific information for vehicles F1 . . . Fn, such as traffic radio, routing, date

and/or order data etc., can be transmitted on a vehicle-specific basis or fleet-specific basis from

the control center." That is, Adams simply discloses transmitting various <u>informational</u> data to

the vehicle or fleet of vehicle and <u>not functional elements,</u> as set forth in claim 1. Adams does

not disclose or suggest <u>allocating</u> various <u>functional</u> elements <u>based on the type of the controller.</u>

In addition, alleging that informational data transmitted from the control center as disclosed by Adams discloses the functional elements as set forth in claim 1, is inconsistent with the Examiner's position with respect to claims 9 to 11 (*see* pages 4 and 5 of the Office Action, where the Examiner relies on different elements such as a monitor to allegedly disclose the unique functional elements set forth in these dependent claims).

4.   *Adams does not disclose or suggest creating the technology module*

In response to Applicant's arguments, the Examiner alleges that col. 10, lines 8 to 10 of Adams disclose creating a controller with a unique identifier and col. 9, lines 1 to 8 of Adams discloses automatic completing (running of tasks) (*see* page 7 of the Office Action). Applicant respectfully disagrees.

Col. 10, lines 8 to 10 of Adams recite: "[f]urthermore, a unique identifier (for example the ID of the controller or the serial/chassis No.) is also <u>transmitted</u> in order to identify a mobile appliance or vehicle" (emphasis added). In other words, Adams simply discloses a controller having a unique identifier that is transmitted to the vehicle. However, Adams does not disclose <u>creating</u> the controller by allocating various functional elements. Adams discloses an <u>existing</u> controller with <u>existing functional blocks</u>. Adams does not disclose or suggest creating the controller by allocating various functional blocks. Furthermore, if the Examiner alleges that the identifier of Adams is a start address as set forth in claim 1 (*see* page 6 of the Office Action), then clearly transmitting a start address does not create the controller as these are separate operations in claim 1.

In short, Adams fails to disclose <u>automatically creating</u> the controller by allocating various functional blocks. Accordingly, the rejection is improper as it lacks "sufficient specificity" required under 102. "[A]nticipation under § 102 can be found <u>only when the</u>

reference discloses exactly what is claimed and that where there are differences between the reference disclosure and the claim, the rejection must be based on § 103 which takes differences into account." *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 227 USPQ 773 (Fed. Cir. 1985); MPEP § 2131.

5.   *Concluding Remarks with Respect to Claim 1*

Therefore, "a user specifying type of at least one process element of the process system and start address of a memory module associated with the process element; and automatically creating the technology module by allocating at least one of a signaling functional element, an archive data functional element and a picture functional element to the process element based on the selected type of the at least one process element, wherein the automatically created technology module comprises a user interface for controlling or monitoring the technical process system," as set forth in claim 1 is not disclosed by Adams.

Adams does not disclose or suggest the user specifying both the type and address of the controller. Adams also does not disclose or suggest the user specifying a start address of a memory module of the controller. In addition, Adams does not disclose or suggest allocating functional elements to the controller based on its type. Also, Adams does not disclose automatically creating the controller by this allocation.

For at least these exemplary reasons, claim 1 is patentably distinguishable from Adams. Accordingly, Applicant respectfully requests the Examiner to withdraw this rejection of claim 1 and its dependent claims 2-13.

6.   *Additional Arguments directed to Dependent Claims*

Dependent claim 12 recites said assigning and said automatic creating are during configuration of the technology module. The Examiner contends that col. 6, lines 6 to 10 of Adams disclose these unique features of claim 12. Applicant respectfully disagrees. Col. 6, lines 6 to 10 of Adams recite: "FIG. 2 shows a schematic illustration of the basic structure of the architecture and overall configuration of a system for graphical monitoring and/or the remote control of stationary and/or mobile apparatuses MC from a control center 15 via respective temporarily switchable radio paths 9." As is visible from this quoted passage of Adams, there is no disclosure or even remote suggestion of operations performed during configuration of the paths. Adams simply discloses that the control center is connected to MC via switchable radio paths. Adams does not disclose or even remotely suggest that during the switching of paths, operations such as assigning and creating are performed, as set forth in claim 12. For at least these exemplary reasons, claim 12 is patentably distinguishable from Adams.

Dependent claim 13 recites: "wherein during said automatic creating, a technology module is generated to correspond to the at least one process element specified by the user and wherein, for the generated technology module, at least one of the signaling functional element, the archiving functional element, and the picture functional element is automatically created and allocated." Applicant respectfully submits that Adams does not disclose or suggest creating functional blocks and allocating them to the controller being generated during the switching of paths. For at least these additional exemplary reasons, Applicant respectfully submits that claim 13 is patentably distinguishable from Adams.

C.   *Conclusion*

In view of the above, reconsideration and allowance of this application are now believed

to be in order, and such actions are hereby solicited. If any points remain in issue which the

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is

kindly invited to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue

Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any

overpayments to said Deposit Account.

Respectfully submitted,

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